

REMARKS

The Examiner has objected to the abstract and a response thereto the Applicants have amended the abstract to remove the legal term "said" from the last line.

Claim 10 has been rejected by the Examiner under 35 USC 112, second paragraph. This rejection is now moot with the cancellation of claims 2-10.

Claim 1 has been amended to more clearly define the present invention and the Examiner's rejection thereof will be based upon the amended claim.

In that regard, claim 1 has been rejected by the Examiner under 35 USC 102(e) as being anticipated by U.S. Publication No. US 2004/0140319 A1 to Gerondale.

The Applicants submit that anticipation is established only when a single prior art reference discloses, expressly or under principles of inherency, each and every element of the claimed invention. RCA Corp. v. Applied Digital Data Systems, Inc. 221 USPQ 385 (Fed. Cir. 1984); In re Sun 31 USPQ 2d 1451 (CAFC 1993); Advanced Display Systems, Inc. v. Kent State University 540 USPQ 2d 1673 (CAFC 2000).

Further, the Examiner must identify wherein each and every facet of the claimed invention is disclosed in the applied reference. Ex Parte Levy 17 USPQ 2d 1461 (USPTO Board of Patent Appeals and Interferences 1990).

In addition, the Applicants submit that anticipation must meet strict standards and unless all of the same elements are found in exactly the same situation and united in the same way to form identical function in a single prior art reference, there is no anticipation. Tights, Inc. v. Acme-McCary Corporation, et al. 191 USPQ 305 (CAFC 1976).

In view of the present amendment to claim 1 and the hereinabove set forth criteria, it is clear that there is no anticipation of the presently claimed invention by the Gerondale reference nor is there anticipation by other references noted by the Examiner but not applied namely: U.S. 6,335,557 to Yang, U.S. 2002/0079338 to Pardo, and U.S. 2004/0074925 to Faurie.

Specifically, the present invention is defined as including a concave surface subtending the aperture formed in a nozzle along with a top having a seat including a concave surface with the concave and convex surfaces having equal radii for enabling sealed engagement with one another without entry into the aperture.

Support for this amendment is easily seen in Figures 2 and 3. Accordingly, no new matter has been added.

Support for the negative limitation in the claims is found on original specification page 6 wherein it is stated: "Further, the invention illustratively disclosed herein suitably may be practiced in the absence of any element which is not specifically disclosed herein."

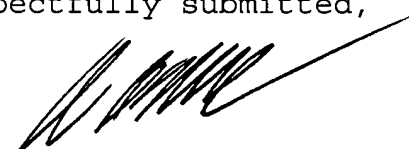
It is clear that the Gerondale reference does not include or teach any concave/convex surfaces and further

the other references by the Examiner provide for a plug to penetrate the aperture to effect sealing.

Thus, the combination of the concave/convex surface of the present invention with an internal circumferential lip for sealably engaging a ring is clearly not taught by any of the references. Accordingly, a rejection under 35 USC 102(e) is not sustainable and the Applicants respectfully request the Examiner to withdraw the rejection of claim 1 based upon the Gerondale reference.

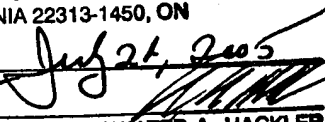
In view of the arguments hereinabove set forth and amendment to the abstract and claims, it is submitted that each of the claims now in the Application define patentable subject matter not anticipated by the art of record and not obvious to one skilled in this field who is aware of the references of record. Reconsideration and allowance are respectfully requested.

Respectfully submitted,



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